

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Melissa Schuler,

Case No.

Plaintiff,

NOTICE OF REMOVAL

v.

NCO Financial Systems, Inc.,

Defendant.

NOW INTO COURT, through undersigned counsel, comes defendant, NCO Financial Systems, Inc. ("NCO"), erroneously referred to as Financial Systems, Inc., which hereby removes from the Fourth District Court, Hennepin County, State of Minnesota, the following described lawsuit, and respectfully states as follows:

1. NCO is the only defendant in a civil action filed by plaintiff, Melissa Schuler, in the Fourth District Court, Hennepin County, State of Minnesota, captioned as *Melissa Schuler v. Financial Systems, Inc.*, Case No. None specified (hereinafter the "State Court Action").

2. Pursuant to 28 U.S.C. §§ 1441 and 1446, NCO removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The complaint in the State Court Action (hereinafter the "State Court Action Complaint") asserts claims which must be brought under the Fair Debt Collection

Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.* and Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff's FDCPA and TCPA claims per 28 U.S.C. § 1331 and 15 U.S.C. § 1692k.

5. NCO was served with summons and the State Court Action Complaint on May 21, 2015. This Notice of Removal is filed within 30 days of receipt of the State Court Action Complaint by NCO and is therefore timely filed under 28 U.S.C. § 1446(b).

6. A copy of all process, pleadings and orders served upon NCO in the State Court Action is being filed with this Notice and is attached hereto as **Exhibit 1**.

WHEREFORE, NCO Financial Systems, Inc., removes the case styled *Melissa Schuler v. Financial Systems, Inc.*, Case No. None specified, from the Fourth District Court, Hennepin County, State of Minnesota, on this 22nd day of June, 2015.

ERSTAD & RIEMER, P.A.

Dated:

6/22/15

By: 

Thomas H. Schaefer, #231587

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*Attorneys for Defendant
NCO Financial Systems, Inc.*

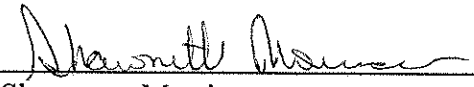
RE: Melissa Schuler vs. NCO Financial Systems, Inc.

STATE OF MINNESOTA)
)SS.
COUNTY OF HENNEPIN)

**AFFIDAVIT OF SERVICE VIA
FACSIMILE, E-MAIL, AND U.S. MAIL**

Shawnette Morrison, an employee of Erstad & Riemer, P.A., being duly sworn, says that on **June 22, 2015**, she served the annexed **Notice of Removal** on the below-listed party by e-mailing copies thereof directed to him, by faxing to him copies thereof directed to him at his last know facsimile number, and by mailing to him copies thereof directed to him, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Bloomington, Minnesota:

David J.S. Madgett
Madgett & Chan, LLC
619 South Tenth Street, Suite 301
Minneapolis, MN 55404
Fax: 888-588-1434
E-Mail: dmadgett@madgettlaw.com


Shawnette Morrison

Subscribed and sworn to before me
on **June 22, 2015**.


Notary Public
(STAMP AND/OR SEAL)

